

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAIME ECHEVARRIA,
Plaintiff,
v.
AEROTEK, INC.,
Defendant.

Case No. 16-cv-04041-BLF

**ORDER DENYING ADMINISTRATIVE
MOTION TO RELATE CASES; AND
DENYING MOTION TO STRIKE
REPLY BRIEF**

[Re: ECF 32, 38]

Defendant Aerotek, Inc. has filed an administrative motion asking this Court to relate two putative class actions, *Echevarria v. Aerotek, Inc.*, No. 16-cv-04041-BLF (the present case), and *Dang v. Allegis Group, Inc.*, No. 16-cv-06259-JD. Although only the motion and opposition briefs are expressly authorized by Civil Local Rule 7-11, the Court in the exercise of its discretion has considered all of the briefing submitted by the parties, including the motion, ECF 32; the opposition briefs filed by the plaintiffs in both *Echevarria* and *Dang*, ECF 35, 36; Aerotek's reply brief, ECF 37; Echevarria's motion to strike the reply brief, ECF 38; Dang's objections to the reply brief, ECF 39; and Aerotek's opposition to Echevarria's motion to strike, ECF 41. The motion to strike the reply brief is DENIED.

"An action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." Civ. L.R. 3-12(a). Those requirements are not satisfied here. In *Echevarria*, the plaintiff seeks to represent a class of temporary service employees who were hired by Aerotek, were required by Aerotek to attend mandatory orientation meetings, and were not paid for attending those meetings. In *Dang*, the plaintiff seeks to represent a class of temporary service

1 employees who were jointly employed by Aerotek and its parent company, Allegis Group, Inc.,
2 participated in at least one telephonic or in-person interview with a client of Aerotek/Allegis, and
3 were not compensated for that interview time. Those putative classes are distinct and the two
4 cases seek compensation based on different sets of facts. The cases are not related simply because
5 they both assert wage and hour claims and they both name Aerotek as a defendant.

6 The administrative motion to relate *Echevarria* and *Dang* is DENIED.

7 **IT IS SO ORDERED.**

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9 Dated: January 3, 2017

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11 BETH LABSON FREEMAN
12 United States District Judge
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